

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LARRY A. BRATTON,

Plaintiff,

vs

9:03-CV-1458

DANIEL BAKER, Director/Designer; EDWARD
WILKOWSKI; STERLING REFERENCE
LABORATORIES; and CHARLES BOUR,
Parole Revocation Specialist,

Defendants.

APPEARANCES:

OF COUNSEL:

LARRY A. BRATTON
01-A-6725
Cayuga Correctional Facility
P.O. Box 1186
Moravia, NY 13118

O'CONNOR, GACIOCH LAW FIRM
Attorneys for Defendants Baker and
Sterling Reference Laboratories
One Marie Midland Plaza
East Tower, 7th Floor
P.O. Box 1964
Binghamton, New York 12902-1964

HUGH B. LEONARD, ESQ.

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants Wilkowski and Bour
Department of Law
Suite 102
615 Erie Boulevard West
Syracuse, New York 13204

SENTA B. SIUDA, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Larry A. Bratton, brought this civil rights action pursuant to 42 U.S.C. § 1983. By Report Recommendation dated March 10, 2005, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that defendants' Motions to Dismiss be granted and plaintiff's entire complaint be dismissed. The plaintiff filed objections to that Report-Recommendation, and on March 31, 2005, the case was remanded to the Magistrate Judge for reconsideration. By Supplemental Report and Recommendation dated April 6, 2005, Magistrate Judge Randolph F. Treece again recommended that defendants' motions to dismiss be granted and that plaintiff's entire complaint be dismissed. Timely objections have been filed by the plaintiff.

Based upon a de novo determination of the portions of the Supplemental Report-Recommendation to which the plaintiff has objected, the Magistrate Judge's recommendations are accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

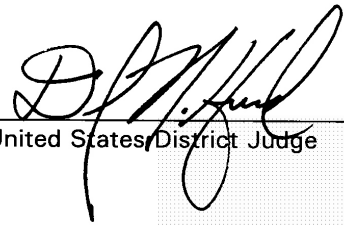
Accordingly, it is

ORDERED that

1. The defendants' motions to dismiss are GRANTED; and
2. Plaintiff's entire complaint is DISMISSED.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: January 26, 2006
Utica, New York.